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SEP 05 2003

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
KOOP ET AL)
)
)
)
Serial No.: 09/934,356)
)
Filing Date: August 21, 2001)
)
Attorney Docket No.: CTC-401)
)
)
Title: ENHANCED NONINVASIVE)
COLLAGEN REMODELING)

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RESPONSE TO ADVISORY ACTION
MAILED 08/12/03

Date Mailed: September 5, 2003
Examiner: FARAH, Ahmed M.
Group Art Unit: 3739

RECEIVED

SEP 11 2003

TECHNOLOGY CENTER R3700

RESPONSE TO ADVISORY ACTION MAILED 08/12/03

Dear Sir,

Applicant is in receipt of Advisory Action mailed 08/12/03. Thank you for your continued
expedient examination of the present Application.

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Response to Advisory Action Mailed 08/12/03
Filing date: August 21, 2001
Date Mailed: September 5, 2003

Title: ENHANCED NONINVASIVE COLLAGEN REMODELING
Serial No.: 09/934,356
Attorney Docket No.: CTC-401

SUMMARY OF ADVISORY ACTION

Examiner states: "The REPLY filed July 29, 2003 FAILS to place this Application in condition for Allowance."

"The period for reply expires 3 months from the mailing date of the final rejection.

1. The proposed amendment(s) will not be entered because:

- a. They raise new issues that would require further consideration and/or search (see NOTE below)
- b. They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

Note: The new limitation that the composition is "containing growth factor" in the amended claims new search and/or modification of the prior Office Action.

2. For purposes of Appeal, the proposed amendment(s) a. will not be entered or b.

Claim(s) rejected: 1-11.

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CONFIRMATION OF TELEPHONIC INTERVIEW

1. On about August 26, 2003, Applicant's attorney Ray K. Shahani initiated a telephonic interview with the Examiner Farah. It was agreed that the Applicant would file a Request for Continuing Examination and that the Examiner would seek to find the claims, as amended in papers filed on about Jul. 29, 2003, allowable.

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RESPONSE TO ADVISORY ACTION

1. Applicant respectfully submits that the amendments filed on about Jul. 29, 2003 overcome the rejections of the claims. As conceded by the Examiner in Paper 11 mailed May 14, 2003, the cited patent to O'Donnell, Jr. "does not teach the use of growth factor". The prior art does not teach a method for treatment of skin comprising treating a subsurface layer of skin with a source of energy sufficient to cause stimulation of collagen remodeling, in conjunction with applying a wound healing composition containing growth factor to the skin, thereby achieving improved collagenesis in the skin.

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